

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

KIMBERLY PEASE,)
Plaintiff,)
v.) Case No. 16-CV-353-FHM
NANCY A. BERRYHILL, Acting)
Commissioner of the Social)
Security Administration,)
Defendant.)

OPINION AND ORDER

Plaintiff and the Commissioner have agreed and stipulated to the entry of an award of attorney fees in the amount of \$3,600.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [Dkt. 28].

The court finds that the amount of the fee and costs request are reasonable. Based on that finding and the absence of any objection to the amount of the fee request, the court finds that Plaintiff should be awarded EAJA fees in the amount of \$3,600.00. Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If Plaintiff's attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Plaintiff's Stipulated Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act, [Dkt. 28], is GRANTED as provided herein.

SO ORDERED this 19th day of September, 2017.

Frank H. McCarthy
FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE